

BOARD OF BARBERING AND COSMETOLOGY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Inspection of Examination Papers; Text and Reference Books for Students

Section(s) Affected: Sections 933 and 961, Title 16, California Code of Regulations.

Specific Purpose

Repeal Section 933, California Code of Regulations

Amend Section 961, California Code of Regulations

The specific purpose for the changes to both of these sections is to update the Board's regulations so that they conform to the Board's move from in-house examinations for licensure to national examinations.

Factual Basis/Rationale

Section 933: The Board has determined that Subsection (a) is duplicative of the reference statute, B&P Code Section 7341. Moreover, Subsection (b) no longer conforms to the Board's examination practices.

Under Business and Profession Code Section 7338, the Board's examination consists of two parts, one written, in which students answer questions in a multiple-choice format; and the other "practical," in which students demonstrate their ability to actually perform various barbering and cosmetology services. Until two years ago, the Board's written examination was California specific, produced by the Department of Consumer Affairs Office of Professional Examination Services and delivered to examination candidates by the Board. At that time, 933(b) made sense because only the Board and the applicant would have access to written examination materials. But in 2009, the Board adopted the national written examination produced by the National Interstate Council of Boards of Cosmetology and delivered via a computer-based testing vendor. It is no longer feasible that only a representative of the Board and the appellant have access to the testing materials.

Consequently, because Subsection (a) is duplicative and Subsection (b) no longer conforms to the Board's examination practices, the Board has determined that it is necessary to repeal Section 933 in its entirety.

Section 961: The Board has determined that it is necessary to repeal subsection 961(b)(2) in order for its regulations to conform with its examination practices.

Until recently, licensing candidates were given a California-specific practical (or hands-on) examination produced by the Department of Consumer Affairs' Office of Professional Examination Services and delivered to examination candidates by the Board. To help students prepare for that examination, the Board produced a "performance criteria" describing the various tasks examination candidates might encounter during the examination and how they would be expected to perform those tasks. Barbering and cosmetology schools in turn provided students with the criteria, either through a booklet produced by the Board, or more commonly, by downloading the material in PDF form from the internet. The Board, however, transitioned to a national practical examination developed by the National Interstate Council of Boards of Cosmetology on October 3, 2011 and will no longer produce the performance criteria. Consequently, the Board has determined that Section 961 needs to be amended to remove the requirement that the criteria must be given to each student by schools.

Underlying Data

None.

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.